

REMARKS

Claims 1, 3 and 4 are all the claims pending in the application.

I. Response to Obviousness-Type Double Patenting Rejection

Claims 1, 3 and 4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-12 of co-pending App. No. 09/843,891 (US 2001/0046630; hereinafter "US '630").

Initially, it is respectfully submitted that US '630 issued as US Patent No. 6,994,937 B2 (hereinafter "the '937 patent") on February 6, 2006.

Applicants submit a Terminal Disclaimer herewith, thereby obviating the obviousness-type double patenting rejection over the '937 patent.

In addition, sworn English translations of the priority documents (JP 2000-188984 and JP 2000-198564) are also submitted herewith, thereby removing US '630 and the '937 patent as 102(e) art.

Further, the present invention and the invention of US '630 and the '937 patent were commonly owned at the time of the present invention. Therefore, US '630 and the '937 patent cannot be cited as prior art under 35 U.S.C. § 102(e) in an obviousness rejection under 35 U.S.C. § 103(a) in accordance with the provisions of 35 U.S.C. § 103(c).

Accordingly, Applicants respectfully request withdrawal of the rejection.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Response under 37 C.F.R. § 1.116
U.S. Application No.: 09/885,944

Attorney Docket Q65162

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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